IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 608 of 1995

Date of decision : September 26, 2007.

Gullu and others

.... Petitioners

versus

State of Haryana

.... Respondent

Coram : Hon'ble Mr. Justice A.N. Jindal

Present : Mr. Gurmail Singh, Advocate for
Mr. J.V. Yadav, Advocate
for the petitioner.

Mr. K.S. Godara, DAG, Haryana
for the respondent.

A.N. JINDAL, J.

Assailed in this petition is the judgment dated 11.8.1995 passed by the learned Additional Sessions Judge, Jagadhari, dismissing the appeal of the accused-petitioners Gullu @ Manjit, Gurcharan Singh and Santokh Singh (hereinafter referred to as 'the petitioners') filed against the judgment dated 11.4.1994 passed by the learned Additional Chief Judicial Magistrate, Jagadhari, convicting the petitioners under Sections 323/427/148 IPC, however, with the modification that benefit of probation was granted to the accused Pritam Singh, Mangel Singh and Teja Singh.

Without challenging the judgment of conviction, the learned counsel for the petitioners has contended that it would not be appropriate or fair in the proper administration of justice to send the petitioners in jail after more than 20 years particularly when as per his contentions, the petitioners have not repeated any such offence till date and prayed for extending them benefit of probation.

Having deliberated over the aforesaid contentions, since the sword of domacle remained hanging over the head of the petitioners

since the year 1986 till date and they have already suffered a lot on account of the criminal proceedings pending against them; they are first offenders and their co-accused have been extended benefit of probation therefore, I do not find any justification for making disparity with them and to send them again in jail in the peculiar circumstances of the case and a lenient view deserves to be taken in their favour.

In view of the circumstances explained above, the petitioners are, therefore, ordered to be released on probation to keep peace and be of good behaviour for a period of one year on furnishing personal bonds in the sum of Rs.10,000/- with one surety in the like amount each under Section 4(1) of the Probation of Offenders Act, 1958, failing to comply with the terms of the bonds, they shall be ready to serve the sentence as and when called for. The petitioners are further directed to pay Rs.10,000/- each as compensation to the injured in addition to any other compensation received by him, within six months, failing which the judgment passed by the trial court will come into operation and this revision petition would be treated as dismissed.

With the above modification in the sentence, the revision petition fails and is hereby dismissed.

September 26, 2007 **(A.N. Jindal)**
'deepak' **Judge**

To be referred to reporter: Yes/No.